UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,259	01/16/2001	Arun Ahuja	CITI0210-US	9489

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KILPATRICK STOCKTON LLP
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EXAMINER
NGUYEN, NGA B

ART UNIT	PAPER NUMBER
3692	

MAIL DATE	DELIVERY MODE
10/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/759,259	AHUJA ET AL.
	Examiner	**Art Unit**	
	Nga B. Nguyen	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>09 July 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>32-47</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>32-47</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the Amendment filed on July 9, 2007, which

paper has been placed of record in the file.

2.   Claims 32-47 are pending in this application.

Response to Arguments/Amendment

3.   Applicant's arguments with respect to claims 32-47 have been considered but

are not persuasive.

In response to applicant's arguments regarding to claims 32-47 that examiner

provides no support for the well-known feature "debiting at least one account of the

customer substantially in real-time in response to the debit message", examiner submits

the references to support the well-known feature as the following:

Felger (US 5,960,069), Felger discloses when the call is completed, the actual

charge data is forwarded to the credit agency or bank for *real time debit of the caller's*

account (see column 15, lines 40-55 and column 16, lines 45-50).

Vazvan (US 6,324,394), Vazvan discloses a system for monitoring mobile

telecommunication in a multi-operator environment in which *the user account is debited*

for all bills in real time (see column 6, lines 10-25).

In conclusion, for the reason set forth above, examiner decides to maintain the

previous rejection and make this Office action FINAL.

4.   Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 43, 44, 46, and 47 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Johnson, U.S. Patent No. 6,535,726.

Regarding to claim 43, Johnson discloses a method of distributing financial

services remotely, comprising:

receiving bill paying requests including customer-supplied network compatible

personal identification information from a wireless remote terminal over a cellular

telephone communication channel (column 4, line 55-colulmn 5, line 5, the supporting

network 160 receives select site information, customer's PIN, and additional identifying

customer information from the cellular telephone 140);

processing the bill paying requests substantially in real-time at a computer

operatively coupled to the cellular telephone communication channel, the processing

step including generating one of point-of-sale and interchange-compatible debit

messages including the network compatible personal identification information

responsive to information transmitted by a customer from the wireless remote terminal

to the computer over the cellular telephone communication channel (figure 1A; column

5, lines 10-15 and column 6, lines 17-25, the supporting cellular network 160 processes

the transaction charges against the customer account associated with the cellular

telephone 140);

transmitting the debit messages over a network substantially in real-time

response to customer bill paying request (column 5, lines 5-15, the supporting cellular

network 160 returns the authorization information to the POS 110); and

paying at least one entity selected by the customer via the wireless remote

terminal with funds obtained by debiting the account of the customer (column 6, lines 5-

10, the customer can select alternate payment means include credit card, debit card, or

other payment credit device).

Johnson does not disclose debiting at least one account of the customer

substantially in real-time in response to the debit message. However, debiting one

account of the customer substantially in real-time in response to the debit message is

well known in the art. Therefore, it would have been obvious to one of ordinary skill in

the art to modify Johnson's to incorporate the well-known feature above, for the purpose

of providing more faster service for debiting the customer's account and ensuring the

service provider/merchant/payee receives money when providing services or products

to the user.

Regarding to claim 44, Johnson further discloses receiving a customer-inputted

personal identification number that is encrypted (column 2, lines 5-20, signal between a

digital cellular phone and its corresponding cellular network is based on digital

encrypted communications, thus the PIN is transmitted from the cellular phone 140 is

also encrypted because the cellular phone 140 is a digital cellular phone).

Regarding to claim 46, Johnson further discloses wherein the wireless remote

terminal includes an alphanumeric multi-line display, for prompting the customer for

inputs by displaying information on the alphanumeric multi-line display (figure 1A;

column 4, lines 63-65, the cellular telephone 140 may prompt the customer to input a

PIN; column 5, lines 52-55, the IKD 130 transmits a message to the cellular telephone

140 for displaying to the customer).

Regarding to claim 47, Johnson further discloses wherein the wireless remote

terminal includes plural customer-depressible controls, for use by the customer to input

customer-supplied network compatible personal identification information (column 4,

lines 63-65, the cellular telephone 140 may prompt the customer to input a PIN).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 32-42 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Johnson, U.S. Patent No. 6,535,726, in view of Griffith, U.S. Patent No. 6,356,752.

        Regarding to claim 32, Johnson discloses a system for conducting financial

transactions comprising:

        a network including a computer connected to at least one financial institution that

maintains an account for a customer (figure 1A; column 5, lines 10-15 and column 6,

lines 17-25, the supporting cellular network 160 processes the transaction charges

against the customer account associated with the cellular telephone 140);

        at least one wireless remote data terminal including a customer input system and

an alphanumeric display (figure 1A; column 4, lines 63-65, the cellular telephone 140

may prompt the customer to input a PIN; column 5, lines 52-55, the IKD 130 transmits a

message to the cellular telephone 140 for displaying to the customer);

        a cellular telephone communication channel connected to the wireless remote

data terminal (figure 1A, cellular link 150), the wireless remote data terminal further

including a system for generating first data representing a payee, and third data

representing a network compatible personal identification number and a

telecommunication system, the telecommunications system for communicating the first,

and third data from the wireless remote data terminal to the computer via a wireless

telecommunications network (column 4, lines 15-18 and lines 63-67, the cellular

telephone 140 sends the retail site identification (first data representing a payee), PIN

(third data) to the supporting cellular network 160 via the cellular link 150),

the computer further including a system for generating a digital message

responsive to the communicated first and third data and for applying the digital

message including the network compatible personal identification number to the

network so as to selectively effect debiting of the customer account responsive to

customer manipulation of the wireless remote data terminal input keys (column 2, lines

5-25 and column 3, lines 40-55, the cellular telephone 140 is a digital cellular phone;

column 6, lines 18-20, the supporting cellular telephone 160 processes the transaction

charges against the customer account associated with the cellular telephone 140).

Johnson does not disclose debiting the customer's account substantially in real-

time in response to the debit message. However, debiting the customer's account

substantially in real-time in response to the debit message is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art to modify

Johnson's to adopt the well-known feature above, for the purpose of providing more

faster service for debiting the customer's account and ensuring the service

provider/merchant/payee receives money when providing services or products to the

user.

Johnson does not disclose generating and transmitting second data representing

an amount. However, Griffith discloses disclose generating and transmitting second

data representing an amount (column 4, lines 1-10, the site computer 104 transmits to wireless telephone 103 transaction data include an itemized list of items by price). Therefore, it would have been obvious to one of ordinary skill in the art to modify Johnson's to incorporate the Griffith's feature above, for the purpose of providing more easily for the customer to track the price of the items selected for purchase.

Regarding to claim 33, Johnson further discloses wherein the alphanumeric display is capable of displaying a maximum of N lines of text, N being an integer; and a plurality of keys selectable by the customer, for selecting one of the N display lines (figure 1A; column 4, lines 63-65, the cellular telephone 140 may prompt the customer to input a PIN; column 5, lines 52-55, the IKD 130 transmits a message to the cellular telephone 140 for displaying to the customer).

Regarding to claim 34, Johnson further discloses wherein the computer connects to the cellular telephone communication channel via a packet data network that frames messages in packets of predetermined length (column 5, lines 52-55, the IKD 130 transmits a message to the cellular telephone 140 for displaying to the customer; the cellular telephone 140 is capable of receiving and displaying messages, thus it is inherits that the cellular telephone communication channel in Johnson's includes a packet data network that frames messages in packets of predetermined length).

Regarding to claim 35, Johnson does not disclose wherein the computer includes a system for generating display data specifying the display content of all of the lines of the alphanumeric display device. However, the computer includes a system for generating display data specifying the display content of all of the lines of the

alphanumeric display device is well known in the art. For example, the computer system

includes a monitor for display information. Therefore, it would have been obvious to one

of ordinary skill in the art to modify Johnson's to incorporate the Griffith's feature above,

for the purpose of enabling the computer to generate and output transaction

information.

Regarding to claim 36, Johnson further discloses an encryption system for

encrypting at least one of the third data and the personal identification number (column

2, lines 5-20, signal between a digital cellular phone and its corresponding cellular

network is based on digital encrypted communications, thus the PIN is transmitted from

the cellular phone 140 is also encrypted because the cellular phone 140 is a digital

cellular phone).

Regarding to claim 37, Johnson further discloses wherein the computer

generates a data packet comprising digital data representing display and prompt

information and transmits the generated packet to the wireless remote data terminal via

the cellular telephone communication channel (column 4, lines 63-67, the supporting

cellular network 160 prompts the customer to initiate the call and also requires the

customer to input a PIN).

Regarding to claim 38, Johnson does not disclose wherein the wireless remote

data terminal further includes a help key and a cancel key and the computer includes a

system for providing help information for display on the wireless remote data terminal

display in response to customer depression of the help key wherein the computer

ignores the last keystroke provided by the customer in response to depression of the

cancel key. However, it is well known in the art that the cellular phone includes a help

key and a cancel key to allow the customer to press the help key for seeking more

information, and to press the cancel key for ignoring the last keystroke. Therefore, it

would have been obvious to one of ordinary skill in the art to modify Johnson's to

include a help key and a cancel key in the cellular phone 140, for the purpose of

providing more convenient for the customer when conducting transactions.

Regarding to claim 39, Johnson further discloses wherein the wireless remote

data terminal further includes an alphanumeric keypad for facilitating input by the

customer of navigation keys (the cellular telephone 140 may prompt the customer to

input a PIN). Johnson does not disclose navigation keys for requesting recall of

information previously displayed by the wireless remote data terminal. However, it is

well known in the art that the cellular phone includes navigation keys for requesting

recall of information previously displayed by the wireless remote data terminal.

Therefore, it would have been obvious to one of ordinary skill in the art to modify

Johnson's to include navigation keys in the cellular phone 140, for the purpose of

providing more convenient for the customer when conducting transactions.

Regarding to claim 40, Johnson further discloses wherein the wireless remote

data terminal includes voice and data communications capabilities, and further includes:

a housing; a digital controller disposed within the housing, the customer input system

being coupled to the digital controller for inputting the personal identification number,

an encrypting system coupled to the digital controller and disposed within the

housing for encrypting the inputted personal identification number to provide network

compatible encrypted personal identification data wherein the alphanumeric display is

electrically coupled to the digital controller and disposed on the housing, and the

alphanumeric display is capable of simultaneously displaying a plurality N of discrete

lines of information; a plurality of customer-selectable controls, coupled to the controller

and disposed on the housing, the customer-selectable controls for selection of menu

options displayed on the discrete lines of information; a telephone handset for permitting

voice communications over the cellular telephone communication channel for

communicating bidirectionally with the computer in a packet data network format to

provide interactivity between the computer and a customer viewing the alphanumeric

display and operating the customer-selectable controls (column 2, lines 5-20, signal

between a digital cellular phone and its corresponding cellular network is based on

digital encrypted communications, thus the PIN is transmitted from the cellular phone

140 is also encrypted because the cellular phone 140 is a digital cellular phone; column

5, lines 52-55, the IKD 130 transmits a message to the cellular telephone 140 for

displaying to the customer; the cellular telephone 140 is capable of receiving and

displaying messages; it is inherit that the cellular telephone 140 includes a handset for

permitting voice communications over the cellular telephone communication channel).

Regarding to claims 41-42, Johnson does not disclose wherein the wireless

remote data terminal further includes a transmission system for periodically transmitting

a random number over the cellular telephone communication channel and a power

supply for providing power to at least the digital controller, the digital controller including

a memory buffer for receiving and temporarily storing signals representing customer

input and for supplying the stored signals for transmission over the cellular telephone

communication channel. However, it is well known in the art that the digital cellular

phone includes a transmission system for periodically transmitting a random number

over the cellular telephone communication channel and a power supply for providing

power to at least the digital controller, a memory buffer for receiving and temporarily

storing signals representing customer input and for supplying the stored signals for

transmission over the cellular telephone communication channel. Therefore, it would

have been obvious to one of ordinary skill in the art to modify Johnson's to include a

transmission system, a power supply, and a memory buffer in the cellular phone 140,

for the purpose of enabling the cellular phone to perform the communication over the

cellular telephone communication channel.

Regarding to claim 45, Johnson further discloses:

accepting transmitted activation of the wireless remote terminal coupled to a

cellular telephone communication channel, such activation causing and controlling the

wireless remote terminal to establish communication with a computer over the cellular

telephone communication channel (column 4, lines 55-67, the customer position their

cellular telephone 140 proximate POS 110 such that POS 110 transfer select site

information to the cellular telephone);

accepting a transmitted encrypted personal customer identification number

entered through the wireless remote terminal (column 4, lines 63-column 5, line 5, the

supporting cellular network receives customer's PIN, the select site information an

additional identifying customer information from the cellular phone 140);

accepting transmitted identification of a payee selected through the wireless

remote terminal (column 4, lines 63-column 5, line 5, the supporting cellular network

receives customer's PIN, the select site information an additional identifying customer

information from the cellular phone 140);

generating, substantially in real-time at the computer in response to the

transmitted encrypted personal customer identification number, transmitted identification

of a payee and an amount to pay the payee, a debit message encoding encrypted

personal customer identification number and the amount; transmitting the debit

message from the computer to a customer's financial institution over a network;

validating and processing the debit message substantially in real-time, controlling, with

the computer, a system for paying the selected payee the selected amount (column 6,

lines 12-25 and column 5, lines 15-28).

Johnson does not disclose debiting the customer's account substantially in real-

time in response to the debit message. However, debiting the customer's account

substantially in real-time in response to the debit message is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art to modify

Johnson's to adopt the well-known feature above, for the purpose of providing more

faster service for debiting the customer's account and ensuring the service

provider/merchant/payee receives money when providing services or products to the

user.

Johnson does not disclose accepting transmitted an amount to pay the payee and

transferring funds in the amount specified by the debit message from the customer's

financial institution. However, Griffith discloses accepting transmitted an amount to pay the payee (column 4, lines 1-10, the site computer 104 transmits to wireless telephone 103 transaction data include an itemized list of items by price). Therefore, it would have been obvious to one of ordinary skill in the art to modify Johnson's to incorporate the Griffith's feature above, for the purpose of providing more easily for the customer to track the price of the items selected for purchase. Moreover, transferring funds in the amount specified by the debit message from the customer's financial institution is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify Johnson's to incorporate the well known feature above, for the purpose of more convenient and time consuming in settlement purchase transaction.

Conclusion

9.   Claims **32-47** are rejected.

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

11.   Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).

NGA NGUYEN
PRIMARY EXAMINER

September 19, 2007